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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/569,536	02/23/2006	Darrel Jarvis	RR-610 PCT/US	1212
20427	7590	02/18/2009	EXAMINER	
RODMAN RODMAN			BRINSON, PATRICK F	
10 STEWART PLACE				
SUITE 2CE			ART UNIT	PAPER NUMBER
WHITE PLAINS, NY 10603			3754	
			MAIL DATE	DELIVERY MODE
			02/18/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/569,536	Applicant(s) JARVIS ET AL.
	Examiner Patrick F. Brinson	Art Unit 3754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on **24 November 2008**.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) **24-43** is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) **24-28, 31-33 and 35-40** is/are rejected.
- 7) Claim(s) **29,34 and 41-43** is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____
- 5) Notice of Informal Patent Application
 6) Other: _____

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 24-26, 30, 31 and 35-40 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. 4,643,229 to **Hickin**.

The patent to **Hickin** discloses a pipe (17) with a protective covering and a flexible sleeve (10a) surrounding the pipe, wherein the flexible sleeve is comprised of a continuous length of a flexible, woven, seamless sleeve material, as recited in claims 24-26. The sleeve extends the length of the hose, as recited in claims 30, 31, 35 and 36. **Hickin** discloses that the sleeve is formed of a light, flexible and durable material such as a vinyl or other plastic coated and/or impregnated fabric. **Hickin** also discloses a coupler (15, 15a) at the end of the pipe for holding the flexible sleeve on the pipe, as recited in claims 37 and 38. The coupler also includes inner members (14, 16) wherein the flexible sleeve is disposed between the inner and outer members, clamps (15, 15a). The sleeve is comprised of a length of continuous and seamless hose.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 27, 28, 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hickin** in view of U.S. 5,413,149 to **Ford et al.**

The patent to **Hickin** discloses the sleeve as being a woven material, but does not specifically disclose it as being a polyester material. The patent to **Ford et al.** discloses a shaped fabric product being well adapted for protecting elongated articles, such as hoses and conduits and other elongated flexible articles, having a longitudinal dimension being substantially greater than the width, diameter or girth of the product. It is disclosed that products of woven fabrics, have excellent flexibility and exceptional kink and abrasion resistance. It is disclosed that the sleeve has a twill pattern, and is comprised of synthetic fibers, having a good balance of high tensile properties, compressive and shear strength, as well as impact resistance, such polyesters. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the sleeve of **Hickin**, such that it is formed of

a twill weave woven polyester material, as suggested by **Ford et al.** in order to protect the hose and provide high tensile properties, as well as impact resistance.

Response to Amendment

3. Applicant argues that the **Hickin** reference does not disclose the hose including a protective covering. It should be noted that the claim recites a pipe wherein the pipe is comprised of a protective coating. **Hickin** discloses a hose consisting of a tube of lightweight plastic material, such as polyvinyl chloride reinforced internally with a light wire spring. The polyvinyl chloride outer portion is the hose protective coating. Applicant states that the protective covering of the present invention is a material which overlies the pipe to reduce or inhibit any corrosion or other degradation of the pipe, however the claim does not recite that the protective covering “overlies” the pipe, but rather that the pipe includes a coating, which the hose of **Hickin** does. Applicant also argues that the **Hickin** sleeve is not seamless and points to the lines of the specification that state that the sleeve is formed of a light, flexible and durable material such as vinyl or other plastic coated and/or impregnated fabric which may be sewn longitudinally to provide a tubular sleeve. It should be noted that if the sleeve may be sewn, it is reasonable to believe that it also may not be sewn, thereby not being provided with a seam. Neither figs. 1 nor 3 disclose the sleeve with seams.

Allowable Subject Matter

4. Claims 29, 34 and 41-43 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Patrick F. Brinson** whose telephone number is (571) 272-4897. The examiner can normally be reached on M-F 7:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Kevin P. Shaver** can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patrick F. Brinson/
Primary Examiner, Art Unit 3754

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P. F. Brinson
February 9, 2009